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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/661,886	<b>Applicant(s)</b> QUINLAN ET AL.	
	<b>Examiner</b> DANIEL LASTRA	<b>Art Unit</b> 3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 102-126 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 102-126 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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1. Claims 102-126 have been examined. Application 10/661,886 (METHOD AND SYSTEM FOR REDEEMING PRODUCT MARKETING REBATES) has a filing date 09/15/2003 is a continuation of 09495819 (02/02/2000; Pat: 6748365), Which Claims Priority from Provisional Application 60154087 (09/15/1999).

### **Response to Amendment**

2. In response to Non Final Rejection filed 01/12/09, the Applicant filed an Amendment on 07/10/09, which amended claims 102, 103, 121 and 124.

### **Double Patenting**

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

Claim 103 is provisionally rejected under 35 U.S.C. 101 as claiming the same invention as that of claim 36 of copending Application No. 10/098,948. This is a provisional double patenting rejection since the conflicting claims have not in fact been patented.

### **Claim Rejections - 35 USC § 102**

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 102-126 are rejected under 35 U.S.C. 102(e) as being anticipated by Jacoves (US 2001/0018664).

Claim 102, Jacoves teaches:

A method of processing a rebate claim from a purchaser purchasing one or more products from a marketing entity in a single purchase transaction, in which one or more of the products purchased is associated with a promotional offer, comprising the steps of:

(a) receiving at a processing site from a supplier of the products information relating to the promotions associated with such products (see paragraph 58-59);

(b) receiving at the processing site from the purchaser subsequent to the completion of the purchase, a unique transaction identifier, such identifier being assigned at the point-of-sale of a purchase transaction and being independent of the identification of products purchased in such purchase transaction (see paragraph 42, 55 “UID”);

(c) receiving at the processing site from the marketing entity information including the unique transaction identifier and the products purchased in that transaction (see paragraph 71);

(d) using at the processing site, the unique transaction identifier provided by the purchaser to access the information provided by the supplier and the marketing entity to ascertain the applicability of promotions to the identified purchase transaction (see paragraphs 71-72); and

(e) validating each of the applicable promotions (see paragraph 71-72).

Jacoves teaches that when a consumer makes purchases in a POS terminal by scanning products in said POS terminal (See figure 6, item 602), Jacoves uses a discount table 100 (see figure 1) stored in database 614 (see figure 6) in order to create information regarding a total credit that is to be provided for a discountable product. Said information would be stored in a potential file (see figure 16) in database 618 (see figure 6) that it is generated at the end of a transaction (see figure 66) and where said information can be output to a printer for creation of a redemption slip (see paragraphs 32, 70). Said printed redemption slip would contain a barcode (see figure 5, item 308) that has an unique transaction identifier ("UID"; see figure 5, item 514; paragraph 42), which would permit easy scanning and input of information at a subsequent redemption event (see paragraph 35). Jacoves teaches that in order for a consumer to redeem said redemption slip, said consumer inputs said redemption slip information into a POS terminal by scanning said redemption slip's barcode, where said barcode contains an unique transaction identifier (i.e. "UID"; see figure 5, item 514; paragraphs 35, 45).

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Jacoves compares said redemption slip UID in said barcode with UIDs contain in a potential file (see figure 16) stored in database 618 of said POS terminal (see figure 6). If there is a match, the UIDs stored in said potential file that matched said redemption slip's UID are flagged as redeemed (see paragraph 67) and the consumer receives a discount toward a fuel purchase according to the information contained in said potential file (see paragraph 71). For example, if a consumer's redemption slip unique transaction identifier (i.e. UID) barcode is XXX, when said consumer scans said barcode in a redemption POS terminal (see figure 7, item 704) said XXX of said redemption slip would be compared with the UIDs contained in potential file (See figure 16) stored in database 618 (see figure 6). Said potential file in figure 16 shows that UID XXX contains UPC A and B with discounts of \$4.50 and \$.48 respectively. Therefore, the consumer would receive a total discount of \$4.98 (e.g. \$4.50 + \$.48) applied to a fuel purchase and the column mark "redeemed" in said potential file (see figure 16) would be flagged as redeemed by "flipping" of a bit from "0" to "1" in all rows that belongs to UID XXX in said potential file in order to show that the redemption slip 212 was redeemed at the store within the appropriate time window (See paragraph 67). Thereafter, Jacoves would transmit said potential file to a clearinghouse in order to bill manufacturers for discount triggering items sold (i.e. UPC A and B of UID XXX) and pay retailers for discounts given to consumers that redeemed a redemption slip at said retailers' POS terminals (see paragraphs 80-81), where the clearinghouse never gets the redemption slip 212 or the information from the potential file until the redemption slip 212 has been "redeemed." (See paragraph 41).

Claim 103, Jacoves teaches:

(f) ascertaining the value of the applicable promotions, and providing the purchaser with the ascertained value subsequent to the completion of the purchase transaction (see paragraph 71).

Claim 104, Jacoves teaches:

A computerized system for processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased one or more products at least one of which may qualify for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; said system comprising:

at least one data input port for receiving:

(a) product promotion rebate information containing an identification of eligible products and services (see figure 1);

(b) a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record (i) includes a transaction code for identifying the sales transaction and (ii) identifies at least one product purchased in connection with such transaction (see figure 16); and

(c) a purchaser rebate claim containing a transaction code assigned at the point of sale (see figure 5, UID);

a memory communicating with said at least one data input port (i) for storing as a stored data record each transaction code and the identity of all products associated with such transaction code, and (ii) for storing said product promotion rebate information (see figure 16);

a processor communicating with said at least one data input port and said memory and which is programmed, in response to receiving a purchaser rebate claim: (i) to seek to match the transaction code submitted in the purchase rebate claim with a transaction code of a stored data record (see paragraph 46); and (ii) upon successfully matching a transaction code submitted with a rebate claim with a transaction code stored in a stored data record, to compare a first product contained in said stored data record with the stored product promotion rebate information to determine if such first product is eligible for one or more rebates (see paragraph 71-72).

Claim 105, Jacoves teaches:

wherein the processor is further programmed to:

(iii) to determine if said stored data record contains additional products and, if so, to compare each additional product or with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraph 67); and

(iv) to validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraph 71).

Claim 106, Jacoves teaches:

wherein said product promotion rebate information further contains the amount of each rebate for each eligible product and wherein said processor is programmed to determine the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim (see paragraph 71).

Claim 107, Jacoves teaches:



in which the processor is programmed, responsive to an event, to issue a rebate to the purchaser (see figure 5 "redemption slip").

Claim 108, Jacoves teaches:

wherein such event is a request from the purchaser (see paragraph 32-33).

Claim 109, Jacoves teaches:

wherein the " product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion (see figure 5 item 504).

Claim 110, Jacoves teaches:

A method of processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased two or more products at least one of which qualifies for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; comprising the steps of:

(a) receiving and electronically storing product promotion rebate information containing an identification of eligible products and services (see figure 1); (b) receiving and storing a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record includes a transaction code for identifying a sales transaction and identifies at least two products, purchased in connection with such transaction (see figure 16); (c) receiving a purchaser rebate claim containing a transaction code and purchaser identification information (see paragraphs 44-46);

(d) using a processor, matching the transaction code submitted in the purchase rebate claim with a transaction code of a stored purchase data record (see paragraph 67-72);

(e) comparing each product service contained in said stored purchase data record with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraph 67-72); and

(f) validating each rebate for all eligible products contained in the stored purchase data record associated with the purchaser rebate claim (see paragraph 67-72).

Claim 111, Jacoves teaches:

wherein at least one purchased product does not qualify for a rebate promotion (see figure 3a “items not marked with \*”).

Claim 112, Jacoves teaches:

wherein said product promotion rebate information contains the amount of each rebate for each eligible product and further comprising the step of determining the total value of rebates for the eligible products in the stored purchase data record associated with the purchaser rebate claim (see figure 5).

Claim 113, Jacoves teaches:

comprising further the step, responsive to an event, of issuing a rebate to the purchaser (see figure 5).

Claim 114, Jacoves teaches:

wherein Such event is a request from the purchaser (see paragraph 45).

Claim 115, Jacoves teaches:

wherein the product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion (see figure 5, item 504).

Claim 116, Jacoves teaches:

A method of processing a rebate claim submitted by a purchaser who, during a sales transaction, had purchased one or more products at least one of which qualifies for one or more rebate promotions, and in which such purchaser had been given a transaction code for identifying such transaction; comprising the steps of:

- (a) receiving and electronically storing product promotion rebate information containing an identification of eligible products (see figure 1);

- (b) receiving a plurality of purchase data records, each purchase data record pertaining to a sales transaction, wherein each purchase data record (i) includes a transaction code for identifying a sales transaction (see paragraph 44; figure 16) and (ii) identifies at least one product purchased in connection with such transaction (see figure 16; paragraph 67);

- (c) electronically storing as a stored data record each transaction code and the identity of all products associated with such transaction code (see figure 16);

- (d) receiving a purchaser rebate claim containing a transaction code and purchaser identification information (see paragraph 45);

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(e) using a processor, matching the transaction code submitted in the purchase rebate claim with a transaction code of a stored data record (see paragraph 67);

(f) upon successfully matching a rebate claim transaction code with a stored data record, comparing a first product contained in said stored data record with the product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraph 67-72);

(g) determining if said stored data record contains additional products or and, if so, comparing each additional product with the product promotion rebate information to determine if such product or is eligible for one or more rebates (see paragraph 67-72); and

(h) validating each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraph 71).

Claim 117, Jacoves teaches:

wherein said product promotion rebate information further contains the amount of each rebate for each eligible product and further comprising the step of determining the total value of rebates for the eligible products in the stored purchase data record associated with the purchaser rebate claim (see figure 15; paragraph 71).

Claim 118, Jacoves teaches:

comprising further the step, responsive to an event, of issuing a rebate to the purchaser (see paragraph 45).

Claim 119, Jacoves teaches:

wherein such event is a request from the purchaser (see paragraph 45).

Claim 120, Jacoves teaches:

wherein the product promotion rebate information further contains an expiration date, and wherein such event is the expiration of a promotion (see figure 5, item 504).

Claim 121, Jacoves teaches:

A system for administering and processing rebate claims for products eligible for one or more rebates, said system comprising a point-of-sale computer system and a remote rebate processing center having a rebate processing center computer system; wherein said point-of-sale computer system comprises:

(a) a terminal for processing a transaction involving the sale of one or more products irrespective of whether such products are eligible for a rebate, and for assigning to a purchaser a transaction code for identifying such transaction (see paragraph 67-72);

(b) programming for generating a purchase data record of said transaction which includes said transaction code and identifies at least one product of purchased in connection with such transaction (see figure 16);

(c) a data link for establishing communication with said rebate processing center computer system for transmitting said purchase data record (see figure 6);

and wherein said rebate processing center computer system comprises: a memory for storing as a stored data record a plurality of transaction codes, and the identity of all products associated with each transaction code, received from said point-of-sale computer system, and for storing product promotion rebate information

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containing an identification of eligible products and a processor which is programmed, in response to receiving a rebate claim from a purchaser containing a transaction code (see paragraph 67-72):

(i) to seek to match the transaction code submitted in the rebate claim with a transaction code of a stored data record (see paragraphs 67-72);

(ii) upon successfully matching a rebate claim transaction code with a stored data record transaction code, to compare a first product or contained in said stored data record with the stored product promotion rebate information to determine if such first product or is eligible for one or more rebates (see paragraphs 67-72);

(iii) to determine if said stored data record contains additional products and, if so, to compare each additional product or with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraphs 67-72); and

(iv) to validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraphs 71-72).

Claim 122, Jacoves teaches:

wherein said product promotion rebate information further contains the amount of each rebate for each eligible product and wherein said processor is programmed to determine the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim (see paragraphs 67-72).

Claim 123, Jacoves teaches:

in which the processor is programmed, responsive to an event, to issue a rebate to the purchaser (see paragraph 45).

Claim 124, Jacoves teaches:

A method for administering and processing rebate claims for products eligible for one or more rebates, said method comprising the steps, at a point-of-sale, of:

(a) processing a transaction involving the sale of one or more products irrespective of whether such products are eligible for a rebate, and assigning to a purchaser a transaction code for identifying such transaction (see paragraphs 67-72);

(b) generating a purchase data record of such transaction which includes said transaction code and identifies at least one product purchased in connection with such transaction (see figure 16 “potential file”);

(c) transmitting said purchase data record to a remote rebate processing center (see figure 6-7); and further comprising the steps, at a remote rebate claim processing system, of:

receiving said purchase data record and electronically storing as a stored data record the transaction code and the identity of all products associated with the transaction code contained in said purchase data record (see figure 7 item DB3); electronically storing product promotion rebate information containing an identification of eligible products and using a processor, in response to receiving a rebate claim from a purchaser containing a transaction code (see paragraph 44-46),

(i) seek to match the transaction code submitted in the rebate claim with a transaction code of a stored data record (see paragraph 67-72);

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(ii) upon successfully matching a rebate claim transaction code with a stored data record transaction code, compare a first product of contained in said stored data record with the stored product promotion rebate information to determine if such first product or is eligible for one or more rebates (see paragraphs 67-72);

(iii) determine if said stored data record contains additional products and, if so, compare each additional product or service with the stored product promotion rebate information to determine if such product is eligible for one or more rebates (see paragraphs 67-72); and

(iv) validate each rebate for all eligible products contained in the stored data record associated with the purchaser rebate claim (see paragraphs 71-72).

Claim 125, Jacoves teaches:

wherein said product promotion rebate information contains the amount of each rebate for each eligible product and further comprising the step of determining the total value of rebates for the eligible products in the stored data record associated with the purchaser rebate claim (see figure 16).

Claim 126, Jacoves teaches:

in responsive to an event, of issuing a rebate to the purchaser (see paragraph 71).

### ***Response to Arguments***

5. Applicant's arguments filed 07/10/09 have been fully considered but they are not persuasive. The Applicant argues that Jacoves does not teach a unique transaction identifier because according to the Applicant, the UID in Jacoves is not used by the customer to redeem the fuel award and is not used, according to the Applicant, by the



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processing system to access purchase records to validate the redemption at the time the customer submits its redemption request. The Examiner answers that Jacoves teaches a processing system 600 includes a point-of-sale register system 602. The point-of-sale register system 602 comprises a UPC code scanner 604 and a first database 606. The database 606 includes information which correlates UPC codes to units prices. Also included in the point-of-sale register system 602 is a UPC code buffer 608 for storing scanned UPC codes. The UPC code buffer 608 is connected to an extractor 610 which extracts the UPC codes from the buffer 608 and outputs the relevant UPC codes 608 to a comparator unit 612 (see paragraphs 43-44, figure 6). The comparator unit 612 is connected to a second database 614 which contains a fuel listing of the data listed on the program announcement 100 and the UPC codes for the discounts for each of the discount triggering items. This data corresponds to the discount triggering items for which discounts will be given, the minimum and maximum quantity of discount triggering items which may be purchased, and the discount credit to be applied for each purchased amount up to the purchased quantity, and not to exceed the maximum discount amount (see figure 1). The second database 614 need not be stored in the same database as the first database 606, or other databases listed herein, but may optionally be stored in a separate device from the first database 606. When a match is found between the data stored for a UPC code in the second database 614, it is output by the extractor 610 to the comparator 612, which outputs a store signal to the store register 616 to cause storage of the relevant data of the units purchased in a third database 618. Once the unit credit is stored in the third database 618, the data is

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transmitted back to the point-of-sale system 602, and output on a receipt printer 620. The output of the receipt printer 620 is the receipt 300 which comprises the redemption slip 212. The third database 618 is connected to a second portion of the fuel reward program system by a communication link 622. All discount credits granted, or coupons dispensed, either electronically or by printed ticket, are stored in the database 618 for later retrieval for tracking and auditing purposes (see paragraph 44). Third database stores a potential file (see figure 16) or a redemption table, which it is basically a sorted information in the potential file (see paragraph 63). All the information must be accrued in potential buffer 1012 in function block 1408 before it can be compared at the end of the transaction with the minimum and maximum quantity limitations. At this time, information that does not meet the criteria for inclusion within the redemption slip 212 due to such things as being less than the minimum quantity or over the maximum quantity, will be discarded and will not be contained within the redemption table. Therefore, the redemption table will be a filtered version of the information contained in the potential buffer 1012. After the redemption table is created, the program will flow to a function block 1420 to update the potential file. This potential file 1018, as described briefly hereinabove, is a file that includes information regarding each UPC for each UID or each transaction. It will store the total amount of the discount on a transaction basis that was provided for each UPC for the associated UID. Therefore, if there were multiple transactions during the day for different discount triggering items, then there would be multiple UIDs, and for each UID there would be UPC's associated with a particular product (See paragraph 63). After updating of the potential file 1018 for the new

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transaction, the program will then flow to a function block 1422 to create and buffer a redemption slip 212, and then to a function block 1424 to print the upper portion 302 of purchase receipt 300 with the discount trigger items being associated with, for example, an asterisk (\*). This will be followed by the redemption slip 212 as a "trailer" slip (see paragraph 64). The potential file (see figure 16, paragraph 66) is a file that is generated at the end of a transaction. The purpose of the potential file is to maintain within the POS information regarding each transaction and the total discounts for each UPC in that transaction. As also noted hereinabove, each transaction is defined by a UID. Therefore, the information contained in the potential file consists of a UPC column, a UID column, and a total discount for each UPC column. In addition, there is provided a "redeemed" column. In the example illustrated in FIG. 16, paragraph 67 there are provided two UIDs, UID "XXX" and UID "YYY." For each of the transactions associated with the UID XXX and the UID YYY, there are provided thereunder purchases associated with discount triggering items "A" and "B." For the UID XXX, the total discount for UPC "A" was \$4.50, and the total discount for UPC "B" in UID XXX was \$0.48. This represents the total discount that was provided for all purchases under those particular UPCs. It is not important in the potential file to keep an account of the number of items sold for a given UPC; rather, it is only important that the total discount is maintained. In the "redeemed" column, there will be a flag set, which is typically the "flipping" of a bit from "0" to "1" in order to show that the redemption slip 212 was redeemed at the store within the appropriate time window.

Referring now to FIG. 18, paragraph 70, there is illustrated a flowchart depicting the operation for creating the actual redemption slip 212. The program is initiated at a block 1802 and then flows to a function block 1804 to total the discounts, the discounts being set forth in the redemption table. As described hereinabove, the redemption table maintains a running total for each of the UPCs. This will essentially provide a total discount for the transaction. The program then flows to decision block 1806 to determine if the total discount determined in block 1804 meets the stated quantity limitations. If so, the program will flow to a function block 1808 wherein discounts are calculated. The item summarizations then go through a predetermined filter algorithm. For example, it may be that one item is removed from each UPC in a transaction until the total discount is less than the maximum allowable. This would then require readjusting the total discount and then adjusting the contents of the potential file 1018. Once either the discounts are calculated or it is determined that the total discounts do not exceed the maximum allowable discount, the program will flow to a function block 1810 to create the bar code. This essentially constitutes all of the information in the redemption slip 212, which is then buffered. The program flows to a block 1811 to print the redemption slip 212.

Referring now to FIG. 3a, paragraph 35 there is illustrated a top view of a purchase receipt 300 comprising an upper portion 302 and the redemption slip 212. The receipt 300 is preferably of a type of which is commonly generated and printed at conventional registers used at points of sale in grocery stores. The upper portion 302 comprises an itemized listing of purchased products at the first point of sale and a

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purchase total. The listed purchased products comprise standard non-triggering items, and triggering items which can be notated with an asterisk (\*). The discount triggering items are notated for the purpose of indicating to the clerk that if the product is returned, special attention can be given to properly record the return transaction. The redemption slip 212 of the receipt 300 is partially separated from the upper portion 302 of the receipt 300 by a partial slice 306, or in some embodiments perforations, such that after dispensing from a register, the redemption slip 212 is easily separable from the upper portion 302 of the receipt 300 by a gentle tug. In the preferred embodiment, the slice 306 extends transversely to the longitudinal axis of the receipt 300, and substantially across the width of receipt 300, to almost completely separate the upper portion 302 of the receipt 300 from the redemption slip 212. The makeup of redemption slip 212 will be described in greater detail hereinbelow, but essentially comprises a printout 304 of information regarding the discount triggering items which were purchased for that particular transaction. The redemption slip 212 can also include a bar code 308 which permits easy scanning and input of information at a subsequent redemption event.

Each transaction, which results in the generation of a redemption slip 212, has associated therewith a UID (See paragraph 42). This is for the purpose of maintaining a database of overall transactions and generated redemption slips 212. All of this information is contained in the bar code 308, where field 514 has the UID of the transaction (see figure 5).

Referring now to FIG. 7 paragraph 45, there is illustrated a second portion 700 of a data processing system 600 for use with the fuel reward program system of the

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present invention. The communication link 622 links up with a fourth database 702 which stores the accumulated units purchased and the information of the program announcement 100 set forth in the second database 614. A register 704 defines a point-of-sale system at which gasoline is purchased and loaded into a purchaser's gasoline tank at a pump. An input device 706 is utilized to input data relating to the identity of the purchaser who is purchasing the gasoline, or the accumulated amounts of the accumulated discounts to be applied to the purchased gasoline. The input device 706 may be a credit card type system providing an identifier of the purchaser, such as that provided by a bar code, an electronic card, a magnetic strip, or smart card technology. The input device 706 is used to identify the accumulated discount credit which should be applied according to the data stored in the third database 618 of data processing system 600 of FIG. 4. However, if a redemption slip 212 has been provided, the program will flow from decision block 1910 along the "Y" path to a function block 1914. Function block 1914 indicates the operation wherein the discount is applied. The program then flows to a function block 1916 wherein the redemption field, labeled "redeemed" in the redemption file, is updated. The redemption file contains only the UID, and the time and date stamp (See paragraph 71, figure 19).

Therefore, contrary to Applicant's argument, Jacoves' redemption slip unique transaction identifier (i.e. UID) is used by a consumer to redeem the fuel award and also is used by a processing system to access purchase records to validate the redemption at the time the consumer submits its redemption request because Jacoves teaches that when a consumer makes purchases in a POS terminal by scanning products in said

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POS terminal (See figure 6, item 602), Jacoves uses a discount table 100 (see figure 1) stored in database 614 (see figure 6) in order to create information regarding a total credit that is to be provided for a discountable product. Said information would be stored in a potential file (see figure 16) in database 618 (see figure 6) that it is generated at the end of a transaction (see figure 66) and where said information can be output to a printer for creation of a redemption slip (see paragraphs 32, 70). Said printed redemption slip would contain a barcode (see figure 5, item 308) that has an unique transaction identifier ("UID"; see figure 5, item 514; paragraph 42), which would permit easy scanning and input of information at a subsequent redemption event (see paragraph 35). Jacoves teaches that in order for a consumer to redeem said redemption slip, said consumer inputs said redemption slip information into a POS terminal by scanning said redemption slip's barcode, where said barcode contains an unique transaction identifier (i.e. "UID"; see figure 5, item 514; paragraphs 35, 45). Jacoves compares said redemption slip UID in said barcode with UIDs contain in a potential file (see figure 16) stored in database 618 of said POS terminal (see figure 6). If there is a match, the UIDs stored in said potential file that matched said redemption slip's UID are flagged as redeemed (see paragraph 67) and the consumer receives a discount toward a fuel purchase according to the information contained in said potential file (see paragraph 71). For example, if a consumer's redemption slip unique transaction identifier (i.e. UID) barcode is XXX, when said consumer scans said barcode in a redemption POS terminal (see figure 7, item 704) said XXX of said redemption slip would be compared with the UIDs contained in potential file (See figure 16) stored in

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database 618 (see figure 6). Said potential file in figure 16 shows that UID XXX contains UPC A and B with discounts of \$4.50 and \$.48 respectively. Therefore, the consumer would receive a total discount of \$4.98 (e.g. \$4.50 + \$.48) applied to a fuel purchase and the column mark "redeemed" in said potential file (see figure 16) would be flagged as redeemed by "flipping" of a bit from "0" to "1" in all rows that belongs to UID XXX in said potential file in order to show that the redemption slip 212 was redeemed at the store within the appropriate time window (See paragraph 67). Thereafter, Jacoves would transmit said potential file to a clearinghouse in order to bill manufacturers for discount triggering items sold (i.e. UPC A and B of UID XXX) and pay retailers for discounts given to consumers that redeemed a redemption slip at said retailers' POS terminals (see paragraphs 80-81), where the clearinghouse never gets the redemption slip 212 or the information from the potential file until the redemption slip 212 has been "redeemed." (See paragraph 41). Therefore, contrary to Applicant's argument, Jacoves teaches Applicant's claimed invention.

### ***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL LASTRA whose telephone number is 571-272-6720 and fax 571-273-6720. The examiner can normally be reached on 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT A WEINHARDT can be reached on (571)272-6633. The official Fax number is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/DANIEL LASTRA/  
Primary Examiner, Art Unit 3688  
October 30, 2009